

Arizona Secretary of State Trade Name Standards

Effective 08/12/2005

Revised 5/8/2007

Laws 2005, chapter 228, amended the Arizona Revised Statutes governing trade names to require that a trade name be “distinguishable upon the record”. Beginning with filings submitted on August 12, 2005, this new standard requires that a trade name be distinguishable from other names already on file with the Secretary of State and the Arizona Corporation Commission.

This office does not register corporate names (e.g., ABC, Inc). Please remove any designations from your trade name such as INC, LLC, LTD., Chtd., or LP. If you are filing as a corporation or LLC with the Arizona Corporation Commission, it is not necessary to register your corporate name as a trade name with this office as names are cross-referenced with the Corporation Commission. If you walk your application in notarization is not required. However, a form of United States government issued identification is required to process the application.

This office cannot register a name that is not distinguishable on the record from any other name previously registered and on the record with the Secretary of State. It is highly recommended to register a name that is unique and distinct from other listings. Names are searched by the root word(s) of the name. As an example, if you are looking to add "professional" to your name, search for "pro." Remove all plural references and punctuation when searching. Please consider that we are qualifying the name against a statewide database.

Please be advised that the Secretary of State’s role in determining whether or not a proposed trade name is “distinguishable” is ONLY ministerial. Registering or filing a name with the SOS does not grant rights or interests in that name. Under Arizona law the Secretary of State’s does not have the authority to resolve contending claims to a name under other statutes or under common law. Even though the Secretary of State approves a name as being distinguishable from previously registered names (based on the above criteria), the name may still infringe on the intellectual property rights of other parties. For instance, if the name registered is similar to a name already protected by a U.S. Patent and Trademark Office trademark filing, consequences such as being forced to stop using the name, among other legal implications, could occur. In fact, the owner of the state registered trade name may be ordered to stop it’s use even if the name is not federally registered by another entity if a similar name is already being used in a related field.

The following items will NOT make a name distinguishable from another name on the record:

1. **Entity Endings:** Words and abbreviations that are required to identify the type of business entity are disregarded when considering name availability and do NOT qualify a name as distinguishable. This includes abbreviated forms of the identifiers as well as foreign language equivalents. Thus, names otherwise identical except for the presence of any of the following words or abbreviations shall not be considered distinguishable:

Identifiers: "Corporation," "Company," "Incorporated," "Limited," "Co.," "Ltd.," "Corp.," "Inc.," "Limited Partnership," "Limited Liability Company," "Limited Company," "LLC," "LC," "Registered Limited Liability Partnership," "LLP," "Professional Corporation" "Professional Service Corporation," "PSC," "PLLC," and "PLC", "Professional Association", "P.A.", "Service Corporation", "S.C.",

“Chartered”. **Examples of non-distinguishable names:** “Business Machine Company”, “Business Machine Company, Inc.”, “Business Machine Corporation”, “Business Machine LLC”, “Business Machine Limited Partnership”. **Please note:** A name may NOT be comprised only of identifiers listed above. For example, “Limited Service Company”.

Foreign corporations. “Words or abbreviations of like import in another language”.

Example: “Los Gatos S.A., Inc.” is NOT distinguishable from “Los Gatos Inc

2. **“&” and “And” are NOT distinguishable:** Names otherwise identical except for the presence of “and” or the ampersand symbol or just a space between words shall not be considered distinguishable.

Example: “Run and Gun Enterprises” is NOT distinguishable from “Run & Gun Enterprises”

3. **Articles:** Articles of speech (“a,” “an,” “the”) do NOT make a name distinguishable are

Examples: “Carpet Universe” is NOT distinguishable from “The Carpet Universe”;
 “The Bates Motel” is NOT distinguishable from “Bates Motel”
 “An Eagle’s Talon” is NOT distinguishable from “Eagle’s Talon”

4. **Possessives:** The possessive form of a word is NOT distinguishable from the plural.

Examples: “Hill’s Supermarket” is NOT distinguishable from “Hills Supermarket”

5. **Marks of punctuation & Differences in the use of Special Characters:** Commas, periods, apostrophes, quotation marks, dashes, exclamation points, question marks, Asterisk, backslash, left brace, right brace, caret, greater than, less than, number sign, underscore, tilde and all other marks of punctuation appearing in trade names are disregarded when considering name availability and do not qualify a name as being distinguishable.

“(quotation marks)	.(period)	;(semicolon)	!(exclamation)
’ (apostrophe)	\(back slash)	(pipe)	?(question mark)
()(parenthesis)	/(forward slash)	-(hyphen)	...(ellipsis)
,(comma)	(tilde)	[], { } <> (brackets)	___(underscore)
^(carat)	:(colon)	(accent)	---(dotted line)
* (asterisk)	> < (greater/less than		

Examples: “CD Construction” is NOT distinguishable from “C-D Construction”
 “Profit: Possible” is NOT distinguishable from “Profit Possible”
 “Bob’s” is NOT distinguishable from “Bobs”
 “Let’s Sell” is NOT distinguishable from “Let’s Sell!”

6. **Arabic numbers are NOT distinguishable** from words representing the numbers.

Examples:

- a. “Two Guys with Hammers Co.” is NOT distinguishable from “2 Guys with Hammers”
- b. “Ink Holdings #3” is NOT distinguishable from “Ink Holdings No. Three”

- c. "First Alert" is NOT distinguishable from "1st Alert"
- d. "Brian's One to One Training" is NOT distinguishable from "Brian's 1-2-1 training".

7. **Word spacing or combining:** A proposed name is deemed to not be "distinguishable" to an existing registration if the addition or subtraction of spaces (" ") is the difference.

Examples:

- a. "Twin State Motors" is NOT distinguishable from "Twinstat Motors"
- b. "Mid Co" is NOT distinguishable from "MidCo"
- c. "Hilltop Stables" is NOT distinguishable from "Hill Top Stables"
- d. "Outbound Travel" is NOT distinguishable from "Out Bound Travel"
- e. "Northwest Homes" is NOT distinguishable from "North West Homes"
- f. "Sidewalk Sales" is NOT distinguishable from "Side Walk Sales"

8. **All names are reviewed in upper case letters.** The use of upper and lower case of letters within a trade name, as that name appears on any document filed with the Secretary of State, are disregarded when considering name availability. Thus, names otherwise identical except for difference in the use of upper and lower case shall not be considered distinguishable.

Example: "Azleads" is NOT distinguishable from "AZLEADS"

9. **False implication of Government Affiliation:** The name may not be one that might falsely imply governmental affiliation, local, state, or federal or any sub-division thereof without authorization to register such a name.

Example of trade names that may falsely imply affiliation: "Arizona State Troopers Association"; "I.R.S. Collections"

10. **Grossly Offensive, Obscene or Names that have an Illegal connotation.** Names that contain words, phrases or references that:

- a. are clearly derogatory to a particular group of people, such as a particular gender, ethnic group, religious group, race etc;
- b. are commonly understood to have a profane meaning or usage;
- c. that inappropriately promote abusive or unlawful activity;

will not be acceptable. Names that may legitimately be understood to have a meaning that is not grossly offensive, despite contextual double entendre, are acceptable (e.g., "Haulin' Ass" for an animal transportation business or "The Bitch Pound" for a kennel business will be acceptable; however "The Filthy Bitch Pub" for a bar would not be acceptable).

11. **World-wide web prefix or suffix:** The addition of a worldwide web prefix or suffix does not distinguish a proposed name from an existing registration

Examples:

- a. "Whitehouse.com" is NOT distinguishable from "Whitehouse.org"
- b. "www.Whitehouse.com" is NOT distinguishable from "HTTP//Whitehouse.org"

The following items **DO** make a name distinguishable from another name on the record:

1. **Key Words**

- a. If one of the key words is different. A “key word” means any word other than articles, prepositions, conjunctions or entity identifiers such as “corporation,” “incorporated,” “company,” etc.

Example: “Mary’s Creations” is distinguishable from “Mary’s Delights”

- b. If the key words are the same, but are in a different order.

Example: “Landscape Action” is distinguishable from “Action Landscape”

- c. The key words have a marked difference in meaning in their contexts and the words are not literally identical.

Example: “Capital Builders” is distinguishable from “Capitol Builders”

- d. The use of geographical designations makes a name distinguishable.

Example: “Arizona Auto Detail Specialists” is distinguishable from “Auto Detail Specialists”; “Phoenix Green Thumb Landscaping” is distinguishable from “Green Thumb Landscaping”

2. **Abbreviations:** Abbreviations and unabbreviated versions of the same words are considered to be distinguishable

Examples:

- a. “The Wizard of Oz. Measuring Cup” is distinguishable from “The Wizard of Ounces Measuring Cup”
b. “Mister Softy” is distinguishable from “Mr. Softie”
c. “St. Andrew's Catering” is distinguishable from “Saint Andrew's Catering”
d. “Mt. Washington Hotel & Resort” is distinguishable from “Mount Washington Resorts”
e. “Easy Technology” is distinguishable from “Easy Tech.”

3. **Different spellings** of proper names are considered distinguishable.

Examples:

- a. “Schmidt Tackle Shop” is distinguishable from “Shmit Tackle Shop”
b. “Saint Andrew's Catering” is distinguishable from “St. Andrew's Catering”
c. “Kelley’s Pub” is distinguishable from “Kelly’s Pub”
d. “Smith Construction” is distinguishable from “Smythe Construction”
e. “Crispy Cream” is distinguishable from “Krispy Kream”

4. **Unique or Improper Spelling:** A proposed name is deemed to be distinguishable from an existing registration if the unique, archaic, or improper spelling of a word or words makes up the difference.

Examples:

- a. “B-4 the Fall” is distinguishable from “Before the Fall”

- b. "Kwik Kar Wash" is distinguishable from "Quick Car Wash"
- c. "Brown Dog Crafts" is distinguishable from "Brown Dawg Crafts"
- d. "Bow Hair Care" is distinguishable from "Beau Hare Care"

5. **Prepositions and conjunctions** are not eliminated prior to searching for name availability and are considered distinguishable.

Examples:

- a. "Into the Deep Co." is distinguishable from "To the Deep Co."
- b. "Of Mice and Men" is distinguishable from "Mice and Men"

6. **The following letters and specific symbols** are NOT converted to the word/number equivalent and may make a name distinguishable.

A-Z	%	\$	@
#	+	=	

Examples:

- a. "Dollar Store" is distinguishable from "\$ Store"
- b. "Plus Value Market" is distinguishable from "+ Value Market"

7. **Roman Numbers are distinguishable** from words representing the numbers.

Example:

- a. "Bookstore III" is distinguishable from "Bookstore Three" or "Bookstore 3" (note that "Bookstore Three" is NOT distinguishable from "Bookstore 3")

8. The plural form of a word may make a name distinguishable.

Example: "Good Deed" is distinguishable from "Good Deeds".

9. **Foreign language trade names.** Words in a foreign language are not translated into English, but must consist of letters in the Roman alphabet, Arabic numerals (0, 1, 2, 3, etc.), or symbols capable of being readily reproduced by the Division.

Examples:

- a. "Rio Verde" is distinguishable from "Green River"
- b. "Evangelical Church" is distinguishable from "Evangelico Church"
- c. "El Burrito" is distinguishable from "The Burrito" or "Burrito"

II. Other Requirements for Trade Names

A. Single Name

A trade name cannot connote more than one trade name in its title.

Examples of two names on an application:

"Bill's Repair Shop", "Lucy's Book Stop"
 "Bill's Repair Shop"/"Lucy's Book Stop"

B. Accepted Characters of Print

A trade name may contain only the types of letters, numbers, and other typographical figures and symbols that can be reproduced by the Agency:

1. Letters of the English alphabet, with no distinction made by the Secretary of State's Office as to upper case, lower case, typeface, or font.
2. Arabic numerals, i.e. 1, 2, 3, 4, 5, 6, 7, 8, 9, 0.
3. Roman numeral characters, i.e., I, V., X, L, C, D, M.
4. Symbols capable of being reproduced and recorded by the Secretary of State's Office, its record-keeping computer hardware and software: ! @ # % > & * () - + " ' : ; / ?

III. Additional Rules

1. Applications that contain terms including, but not limited to, the following list of restricted words must obtain permission by the Ariz. Dept. of Banking.

"Bank"

"Banker"

"Banking"

"Banc"

"Banque"

"Banco"

"Credit Union"

"Deposit"

"Savings Association"

"Building Association"

"Savings and Loan Assoc."

"Building and Loan Assoc."

"Savings Bank"

"Thrift"

"Trust"

"Trust Company"